App. F. IX-4

1940

106

Previous References

193 .
( )
Courts

File No. 61-40

Serial Nos. 1-4

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four only

Part B for December 1940

SUBJECT.

Amendment of rule 408 of the Mysore Jail Manual Vol I by omitting the word "prisoner or" in the third sentence of the rule.

WD 0573—GPB—22,500—12-9-39

B.B. Shanbhag

29-1-41

Serial No.

From
The Registrar High Court
D/ dis No 579/40-41 D/ 29. 8. 1940

Suggests that an Official of the Jail Should write the petition for an illiterate prisoner who has no friend or agent to help him in preferring an appeal petition.

According to Art 608 of the Jail Manual if an illiterate prisoner desires to appeal and declares that he has no friend or agent to help him, a prisoner or Jail officer Should write the petition of appeal at his dictation

The High Court has suggest that the "word" "prisoner" may be omitted and in such Cases an Official of the Jail Should Write the petition for him.

If approved, the I.G. of prisons may be Consulted.

A draft is also put up.

29/10

Issued No P 2177 D/ 1.11.40

NOTE—Contn. Sheet.

Amendment of Rule 408 of Jail Manual

Cts File No. 196 2998/ of 194 . | General and Revenue Secretariat

Serial No. 3

From
The S.G. of Prisons
No 396-3 Dt 13.11.1940

States that he is agreable to the suggestion made by the High Court that the words "prisoner or" occurring in the third Sentence of Rule 408 of the Mysore Jail Manual should be deleted.

A Statement embodying the existing Rule 408 and the ~~proposed~~ rule proposed to be amended is put up for perusal.

A draft sanctioning is also put herewith for approval or otherwise

Secy to Govt
Law Secretary
3/28/11

I Member)

Hm 2 26/11/40
3 29/11

29/11/40

Hm 2 27/11

Hm 3 9/11

NO. 27 1940
3632/26/11

TYPING SECTION
29 NOV. 1940
GEN. & REV. SECTT

2994

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.

To
The Registrar Sessions Court
The D.G. of Prisons
No 2876-) 89 3.12.1940

Sanctions the recommendation of the Sessions Court to amend Rule 40 of the Mysore Jail Manual by deleting the words "prisoner or".

B

NOTE—Contn. Sheet.

Ch. 106-40-1 1420 940

R. O. C. No. 59 40-41
D/ Dis.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 29th August 1940.

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

SECY. LAW DEPT. 30 AUG 1940 GOVT OF MYSORE

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department, Bangalore.

Rec'd from Prisons Section on 5/9/1940

SIR,

I am directed to state that the High Court receives a number of appeals from prisoners in Jail, in which elaborate, far-fetched unreasonable and even absurd suggestions are made. In many instances it is very unlikely that these suggestions are made by the prisoner himself and also unlikely that they are made by any prison official assisting the prisoner in the preparation of his appeal. It can often be inferred that they really come from some other prisoner, who has or thinks he has some knowledge of law. Occasionally they appear to come from a fellow-prisoner, who takes the opportunity of being impertinent, as some may wish to be in these days. The Judges are of opinion that it is not proper that a prisoner should be assisted by a fellow-prisoner in preparing his appeal. If he wants assistance, an official of the Jail should give it. The Rule 408 of Volume I of the Mysore Jail Manual it appears to be intended only that assistance should be given to an illiterate prisoner by some one writing his petition for him. The High Court sees no objection to a prison official making suggestions to help a prisoner in regard to the form or substance of his petition, though the rule does not appear to be intended for that purpose. But it is going far beyond the rule to allow a fellow-prisoner to work up a case for the appealing prisoner.

In order to make reasonably sure that appeal petitions do not contain improper matter the Judges recommend for the consideration of the Government that in the third sentence of Rule 408 of Volume I of the Jail Manual the words "prisoner or" should be deleted. The rule would then require that, if an illiterate prisoner, who had no friend or

agent

agent to help him in the matter, wished to appeal, an official of the Jail should write the petition for him, and it could not prevent the official or the Superintendent giving the prisoner any reasonable assistance.

I have the honour to be,

Sir,

Your most obedient servant,

J Cunningham

Registrar.

VJC

No. P 2177/Encl 21.11.40

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

To

The I.G. Prisons

Sir

I am directed to forward herewith copy of a letter No D2 Pris 59 dt 29.8.1940 from the Registrar High Court suggesting the modification of Art 408 of the Mysore Jail Manual and to request that Govt may be favoured with your opinion in the matter

I have etc

for Secy to Govt
Law Dept

WD 0282—GPB– 22,500—14-3-38

Ch. 106-40-2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P2177/Enc1 *Bangalore, dated* 18th November 1940.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore:
Law Department.

To

The Inspector General of Prisons in Mysore,
Bangalore.

Sir,

I am directed to forward herewith copy of a letter No.D.2.Dis.59, dated 29th August 1940 from the Registrar, High Court, suggesting the modification of Article 408 of the Mysore Jail Manual and to request that Government may be favoured with your opinion in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department.

Ch. 106-40-3 2988/40

In reply please quote:

No. .....Enc.

396-3

Office of the Inspector-General of Prisons in Mysore.

Bangalore, dated the 13th November *1940*

FROM

Rajasevasakta

B. K. NARAYANA RAO, ESQ., B.A., M.B.C.M., M.R.C.S. (ENG.), D.P.H., D.O. (OXON.),

Inspector-General of Prisons in Mysore, Bangalore.

SECY. LAW DEPT. 15 NOV. 1940 GOVT OF MYSORE

To

The Secretary to Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

1420 Ch. P

SIR,

With reference to your letter No. P.2177 dated the 1st November 1940, I have the honour to state that I agree with the High Court in their suggestion that the words "prisoner or" occuring in the third sentence of Rule 408 of the Mysore Jail Manual should be deleted.

I have the honour to be,
Sir,
Your most obedient servant,

B. K. Narayana Rao 13/11

Inspector-General of Prisons.

Ale

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Section Court

File No. 106-40

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 3/12/ 1960.

Signed by Sri-K.P.P

Read—

(1) Letter No. 8, Dis 59/40-41 Dt 29.8.1940 from the Registrar High Court of Mysore recommending the amendment of Rule 408 of the Mysore Jail Manual Vol. I by omitting ~~Order thereon. No.~~ the words "prisoner or" in the third sentence of the rule.

(2) Letter Correspondence ending with letter No 396-3 Dt 13.11.1960 from the I.G. of prisons in Mysore on

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(vi) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

the Subject

Order P&R 6-7 dy 3-12-47
Secret

The High Court have brought
to the notice of Govt
that a number of ~~petitions~~
appeals ~~declined~~ which are
being ~~received~~ in the High
Court from prisoners in
jails contain elaborate, far-fetched
and unreasonable suggestions
and in many instances
it is very unlikely that these

List of Enclosure

Suggestions are made by the prisoner
himself and also unlikely
that they are made by any
prison Official assisting the
prisoner in the preparation
of his appeal. They ~~High~~
~~Court~~ are of opinion
that it is not proper that

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

a prisoner should be assisted by a fellow prisoner in preparing his appeal and accordingly recommend that in the third sentence of Rule 408 of the Mysore Jail Manual Vol I the words "prisoner or" should be deleted. The I.G. of prisons is also agreeable to the above suggestion of the High Court.

Govt are pleased to sanction the recommendation of the High Court. A statement containing the amended Rule is appended to this order.

26/11/40

Secretary to Govt
Law Dept

To
The I.G. of prisons
The Registrar High Court

WD 0280—GPB—22,500—14-3-38

copy to prisons clerk

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read :—

Letter No.D.Dis.59/40-41 dated 29th August 1940 from the Registrar, High Court of Mysore recommending the amendment of Rule 408 of the Mysore Jail Manual Vol. I by omitting the words "prisoner or" in the third sentence of the rule.

2. Correspondence ending with letter No.396-3 dated 13th November 1940 from the Inspector-General of Prisons in Mysore on the subject.

Order No. P2876-7 CS-106-40-4 Secl.

Dated, Bangalore the 3rd December ~~Nov.~~ 1940.

The High Court have brought to the notice of Government that a number of appeals which are being received in the High Court from prisoners in jails contain elaborate, far-fetched and unreasonable suggestions and in many instances it is very unlikely that these suggestions are made by the prisoner himself and also unlikely that they are made by any prison official assisting the prisoner in the preparation of his appeal. They are of opinion that it is not proper that a prisoner should be assisted by a fellow prisoner in preparing his appeal and accordingly recommend that in the third sentence of Rule 408 of the Mysore Jail Manual Vol.I the words "prisoner or" should be deleted. The Inspector-General of Prisons is also agreeable to the above suggestion of the High Court.

Government are pleased to sanction the recommendation of the High Court. A statement containing the amended Rule is appended to this Order.

For Secretary to Government,
Law Department.

To

The Registrar, High Court of Mysore,
" Inspector-General of Prisons.

BSN/3.

Rule 408 (existing)

Superintendents shall give prisoners every facility for preferring their appeals. If a prisoner desires to appeal, and declares that he has no friends or agents who can make an appeal for him, he shall, if he can write, be provided with writing materials and allowed to write his own petition of appeal. If he cannot write, a prisoner or jail officer shall write the petition of appeal at his dictation. The Superintendent shall not be obliged to give assistance in the preparation of appeals of prisoners who omit to give notices of their intention to appeal before the period of limitation has expired. A prisoner whose petition of appeal is written for him, shall be given full opportunity of expressing himself and his case shall, as far as possible, be recorded in his own words. Printed forms of appeal petitions should not be used.

Rule 408 as ~~proposed to be~~ amended.

Superintendents shall give prisoners every facility for preferring their appeals. If a prisoner desires to appeal, and declares that he has no friends or agents who can make an appeal for him, he shall, if he can write, be provided with writing -- materials and allowed to write his own petition of appeal. If he cannot write, a jail officer shall write the petition of appeal at his dictation. The -- Superintendent shall not be obliged to give assistance in the preparation of -- appeals of prisoners who omit to give notice of -- their intention to appeal before the period of -- limitation has expired. A prisoner whose petition of appeal is written for him, shall be given full opportunity of expressing himself and his case shall, as far as possible, be recorded in his own words. Printed forms of appeal petitions should not be used.

For Secretary to Government,
Law Department.